

REMARKS

Claims 1-3, 5, 14 and 15 are rejected under 35 USC § 102(e), as being anticipated by Feinleib (US Patent No. 6,272,532,) and in further view of Durlister et al. ("If OS/2 had a Robust Boot Disk, We Could Stop Doing the Hokeypokey"). Applicant respectfully disagrees.

As amended, claims 1 and 14 require that the instructions in command format be contained inside an e-mail message. As the Examiner has stated, "Feinleib...fails to disclose the configuration instructions in command format." The Examiner relies upon Durlister, et al., for this aspect. The Examiner states that "Durlister, et al., ...discloses such configuration instructions in command format (.INI.).

Durlister does not teach the configuration instructions in command format such that the instructions would be contained in an e-mail. The command format is a 'text file for configuration instructions.' Further, when operating systems use text files of a specific format, they must open the file, extract the instructions and then close the file. Applicant's invention as claimed requires the commands to be in the e-mail message. It is conceivable, without admitting that the prior art cited actually teaches this, that the combination of Durlister and Feinleib may teach including configuration instructions in a file that is then attached to the e-mail message, but not that the configuration instructions are contained in the e-mail message. Therefore, Applicant submits that claims 1 and 14 are patentably distinguishable over the prior art and request allowance of these claims.

Claims 2-3 and 5 depend from claim 1 and claim 15 depends from claim 14. These claims should be ruled allowable for being dependent upon an allowable base claim and for their own merits. Applicant submits that these claims are patentably distinguishable over the prior art and request allowance of these claims.

Claims 4, 6, 7, 16 and 17 are rejected under 35 USC § 103(a) as being unpatentable over Feinleib (6,272,532) and Durlister et al.. Applicant respectfully disagrees.

Claims 4, 6 and 7 depend from claim 1 and claims 16 and 17 depend from claim 14, and should be ruled allowable for that reason and for their own merits. The Examiner states that Feinleib does not show that the appliance be always connected to the network and states that to do so would be obvious. Applicant disputes that assertion by the Examiner and requests that the Examiner provide some evidence of this obviousness.

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With regard to claims 6 and 7, the Examiner admits that Feinleib does not show that the mail is received at a mail client on the device, or that the mail client communicates with a mail server on the network. The Examiner goes on to state that it would have been obvious for a person having ordinary skill in the art to modify Feinleib by receiving e-mail at a mail client on the appliance and to provide communication between the e-mail client on the device and a mail server on the network. Feinleib does not render obvious the use of an e-mail client on the device, or an e-mail client on the device communicating with a server on the network in conjunction with that client being able to receive configuration instructions inside e-mail messages. Therefore, Applicant submits that claims 4 and 6-7 are patentably distinguishable over the prior art and requests allowance of this claim.

With regard to claims 16 and 17, the Examiner relies upon the use of appliances such as WebCam and Real Audio Player, which are not used on appliances as the term is used in Applicant's specification. WebCam and Real Audio Player require a PC to allow communication between those applications and the appliance such as an MP3 player or web camera. Applicant's invention as claimed contemplates such a device directly connected to the network, with the ability to send and receive e-mail, including e-mails that have within them configuration instructions for the appliance. Therefore, Applicant submits that claims 16 and 17 are patentably distinguishable over the prior art and request allowance of these claims.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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